

07-05-05

RCE  
Zhu

PTO/SB/30 (04-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request  
for  
Continued Examination (RCE)  
Transmittal**Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/582,522
Filing Date	August 24, 2000
First Named Inventor	Maor
Art Unit	1617
Examiner Name	Yu, G.
Attorney Docket Number	00654759

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- iii. ☒ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☒ Other Remarks Accompany RCE

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

**3. Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 13-0019. I have enclosed a duplicate copy of this sheet.
- a. ☒
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 790.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature		Date	July 1, 2005
Name (Print/Type)	Daniel H. Shulman	Registration No.	45,106

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	
Name (Print/Type)			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT  
ATTORNEY DOCKET NO. 00654759

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Group Art Unit:  
Maor, et al. ) 1617  
Serial No.: 09/582,522 ) Examiner:  
Yu, G.

Filing Date: August 24, 2000

For: **A GEL COMPOSITION FOR  
SKIN CARE AND PROTECTION  
AND A METHOD OF  
PREPARATION THEREOF**

Box RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
"Express Mail" mailing label number EV 548614562 US  
Date of deposit: July 1, 2005  
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(signature of person mailing paper or fee)

TRANSMITTAL LETTER

Dear Sir:

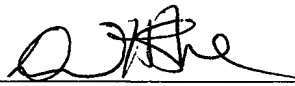
Enclosed for filing please find:

1. Remarks Accompanying Request for Continued Examination;
2. RCE Transmittal;
3. Information Disclosure Statement;
4. Form PTO/SB/08a (1 sheets);
5. References;
6. Check for \$790.00; and
7. Return postcard.

If there are any additional fees due in connection with the filing of this response, please charge these additional fees (or credit any overpayment) associated with this communication to our Deposit Account No. 13-0019.

MAYER, BROWN, ROWE & MAW LLP Respectfully submitted,  
P.O. Box 2828  
Chicago, Illinois 60690-2828

Dated: July 1, 2005

  
Daniel H. Shulman  
Reg. No. 45, 106  
Attorney for Applicant



PATENT  
ATTORNEY DOCKET NO. 00654759

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	Group Art Unit:
Maor, et al.	)	1617
	)	Examiner:
Serial No.: 09/582,522	)	Yu, G.
	)	
Filing Date: August 24, 2000	)	
	)	
For: A GEL COMPOSITION FOR	)	
SKIN CARE AND PROTECTION)	)	
AND A METHOD OF	)	
PREPARATION THEREOF	)	

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REMARKS ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION**

Dear Sir:

These Remarks accompany the Request for Continued Examination ("RCE") presented herewith.

**Procedural Background**

On June 2, 2005, the Examiner issued a Notice of Allowance on the present application. On June 23, 2005, Applicants submitted to the Examiner an English translation of French patent, FR 2242971. The French version of FR 2242971 was previously submitted to the Examiner in an Information Disclosure Statement of March 14, 2005, accompanied, pursuant to MPEP § 609, by an International Search Report identifying the relevance of the reference as a "Y" reference. See MPEP § 609. On June 30, 2005, the Examiner requested a filing of an RCE to give FR 2242971 full consideration.

Comments on FR 2242971

Applicants respectfully submit that all pending claims are still allowable in consideration of FR 2242971. Applicants' invention is directed to a clear gel utilizing Dead Sea water, wherein the use of nonionic solubilizers to produce transparency is an unexpected and surprising result. (*See Examiner's Reasons for Allowance*).

FR 2242971 does not address any of the novel and non-obvious aspects of the invention. First, FR 2242971 is directed to sea water generally, and is therefore inapplicable to inventions concerning Dead Sea water. In particular, it is known that Dead Sea water has unique properties that the invention is directed to overcoming. (*See Specification, p. 6 for description of ionic composition of Dead Sea water*). Furthermore, FR 2242971 does not disclose or suggest the use of nonionic solubilizers in combination with Dead Sea water to produce a transparent gel. (The reference to a colorless gel in FR 2242971 is in respect of an ordinary sea water composition and therefore fails to teach or suggest the present invention).

In light of the foregoing, Applicants respectfully request favorable reconsideration of the pending claims in light of FR 2242971.

If there are any additional fees due in connection with the filing of this response, please charge these additional fees (or credit any overpayment) associated with this communication to our Deposit Account No. 13-0019.

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P.O. Box 2828  
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Dated: July 1, 2005

Respectfully submitted,



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